

MINUTES
BOATING AND WATERWAYS COMMISSION MEETING
SAN DIEGO, CALIFORNIA
MARCH 14, 2012

Pursuant to due and regular notice, the meeting of the Boating and Waterways Commission was called to order by Vice Chairman Webb on March 14, 2012, at 9:01 A.M. at the Marriott Hotel, 133 West Harbor Drive, San Diego, California.

ROLL CALL

Commissioners Present: Matthew Webb, John R. Bañuelos, Lenora S. Clark, David Lumian, Douglas W. Metz, and Frank Peralta

Commissioners Absent: David O. Livingston

Dept. of Boating and Waterways

Personnel Present: Lucia C. Becerra, Acting Director; Steve Watanabe, Facilities Chief; Sylvia Hunter, Facilities Loans and Grants Chief; Denise Peterson, Manager, Law Enforcement, and Margarita Sanchez, Administrative Assistant

APPROVAL OF MINUTES

MOTION: *It was moved by Commissioner Metz and seconded by Commissioner Lumian that the Boating and Waterways Commission Minutes of January 18, 2012, meeting be approved. The motion carried unanimously.*

CHAIRMAN'S REPORT

Vice Chairman Webb welcomed everyone to the meeting. He introduced new Commissioners David Lumian, David Livingston (not in attendance) and Frank Peralta, who was in the audience and will be joining the Commission at the next meeting. He also congratulated Commissioner Metz on his reappointment to the Commission. Vice Chairman Webb reported on the field trip of March 13, which including a presentation at Scripps Institute by Reinhard Flick on climate change.

DIRECTOR'S REPORT

Ms. Becerra welcomed the new Commissioners. She reported on the Department's budget; Stockton's marina loan; International Water Safety Summit; Wear it Campaign; boating accidents, and the use of social media. She mentioned that the merger of DBW and elimination of the Boating and Waterways Commission is a separate proposal from the Governor's proposed budget.

Ms. Becerra presented a plaque to outgoing Commissioners Clark and Purdon for their dedicated service to the Commission and California boaters.

LEGISLATIVE REPORT

Ms. Becerra gave an update on AB 977 (Harkey); AB 1540 (Buchanan); AB 1686 (Jeffries); AB 2443 (Williams); SB 623 (Kehoe), and SB 1251 (Evans).

COMMISSIONER ANNOUNCEMENTS

Commissioner Lumian reported he will be attending the National Boating Safety Advisory Council in Washington D.C., representing the American Sailing Association and American Boating Congress.

Commissioner Clark stated she was elected as Rear Commodore of the Pacific Inter Yacht Club Association and she will be having a conference in San Francisco. Ms. Becerra will be attending the conference as a guest speaker.

Commissioner Metz reported he attended the International Association of Marine Investigators meeting in San Diego on behalf of Commissioner Purdon.

PUBLIC COMMENT

Cleve Hardaker, President, Recreational Boaters of California (RBOC), commented on the merger of the Department of Boating and Waterways and elimination of the Commission. He said RBOC will be campaigning to preserve the Department and Commission. Mr. Hardaker stated if the Department is merged with State Parks and Recreation then there may be little or no transparency as to where the money will go and no assurance that the money will go towards infrastructures or boating activities.

Dwayne Patenaude, San Diego Anglers, spoke on the Shelter Island launch ramp. He said the launch ramp is very important to fishermen in southern California for many reasons, including, it is the only launch ramp that is close to the mouth of the harbor and has no speed limit.

Brad Gross, Director, Orange County Dana Point Harbor. On behalf of the California Harbor Masters and Port Captains Association, Association of Marina Industries, and the International Marina Institute, welcomed the new Commissioners and spoke on the loss of outgoing Commissioners Clark and Purdon.

Bruce Heyman, California boater, spoke on the Dana Point Harbor (Harbor). He said he hopes the State retains the strong and independent Department of Boating and Waterways and Commission. Mr. Heyman asked that the Commission assist in helping to modify the current plans the Harbor has to expand stores and restaurants at the harbor. He said if current plans continue to move forward without intervention, there will be among other things; a 25% reduction in dry boat storage within the harbor; restrooms moved further away from the docks; 38% reduction in space allocated to the only shipyard; 40% reduction in boater parking, and loss of up to 155 wet slips. Mr. Heyman said there will not be any new docks until the new stores and restaurants are completed. He asked that the Commission help prevent the diversion of boater funds and help replace the failing docks.

Brad Gross stated Mr. Heyman is referring to different governmental agencies implementing their regulations into a document that the Harbor has little to no control over. The Commission, he said, can communicate with State Lands and the Coastal Commission of what the Boating and Waterways Commission wishes are. Mr. Gross said Ms. Becerra had been communicating with the Coastal Commission trying to implement the wishes of the Boating and Waterways Commission.

CONSIDERATION OF PUBLIC GRANTS

Ms. Hunter and Mr. Watanabe presented to the Commission for its advice and consent the following requests for public grants.

Santa Margarita Lake Boat Launching Facility

The County of San Luis Obispo has applied for a \$540,000 Harbors and Watercraft Revolving Fund grant for improvements to the Santa Margarita Lake Boat Launching Facility (BLF). Shaun Cooper, Senior Park Planner, San Luis Obispo County Parks, was available to answer questions from the Commission. Mr. Cooper read a letter of support dated March 12, 2012, from Assemblymember Katcho Achadjian. Commissioners Bañuelos and Peralta visited the proposed project site and recommend approval.

Commissioner Lumian stated he visited the lake last summer while training the Boys and Girls Clubs of America. He said the lake is used by many people, but he is concerned about the overhead lines and agrees with the proposed project to eliminate them.

Commissioner Bañuelos asked why the Department will only pay for partial pavement of the existing road. Mr. Watanabe said boater monies should be used to pay pavement of the entire length of the road only when there are other beneficiaries that would pay their fair share of the cost for non-recreational boating activities.

Staff recommended that the Commission approve the \$540,000 grant to the County of San Luis Obispo for improvements at the Santa Margarita Lake BLF. After discussion, a motion was made.

MOTION: *It was moved by Commissioner Clark and seconded by Commissioner Bañuelos that the Boating and Waterways Commission approve the \$540,000 grant to the County of San Luis Obispo for the proposed project described in the March 14, 2012, Feasibility Report. The motion carried unanimously.*

Vice Chair Webb called for a break at 10:22 A.M.; meeting resumed at 10:40 A.M.

Redbud Boat Launching Facility

Ms. Hunter read a letter dated March 13, 2012, from Joan Phillipe, Interim City Administrator, City of Clearlake. The letter asked that the agenda item for their grant be considered at the next Commission meeting due to staffing constraints. After discussion, a motion was made.

MOTION: *It was moved by Commissioner Lumian and seconded by Commissioner Clark that the agenda item Redbud Boat Launching Facility be heard at the Commission meeting in May. The motion carried unanimously.*

OLD BUSINESS

Budget Update

Ms. Becerra provided an update on the Governor's proposed budget and will be providing a copy of the budget bill to the Commissioners.

Final Commission Input on Loan and Grant Criteria

Vice Chair Webb stated there were many comments from stakeholders including the California Association of Harbor Masters and Port Captains (CAHMPC) regarding the loan and grant criteria. He thanked all of the stakeholders who contributed with their suggestions and comments and especially those who attended the Commission workshops.

Commissioner Clark gave a brief history on the development of the criteria for evaluating loans and grants. She said the Commission held various public workshops where many stakeholders provided suggestions and comments. The comments were reviewed and many were implemented, such as comments by the CAHMPC to consider including design, engineering and construction funding.

Mark Sandoval, President, CAHMPC, thanked the Commission and staff for holding the workshops and for allowing the public to submit their suggestions. He asked if CAHMPC recommendation of prioritization of the factors that would be weighed when evaluating a number of applications and loans have been considered and if the Department will communicate to stakeholders of the changes made. Commissioner Clark replied that Department staff has taken the recommendations into consideration and noted that they were similar to what staff provided to the Commission. Commissioner Metz asked for the timeframe to have the new criteria finalized. Ms. Becerra said Agency should have it in six to eight weeks for their approval.

Invasive Species Update

Ms. Becerra gave an update on the Water Hyacinth and Egeria Densa treatment. She said the Water Hyacinth grew rapidly this season due to the warm weather and high river flows and treatment was late because the permits needed were not issued on time. Ms. Becerra said this year's treatment is expected to be better since they have an agreement with NOAA, U.S. Fish and Wildlife Service, and U.S. Department of Agriculture for a fast track permitting process. She added that there is legislation to add the South American sponge plant to the permit, which will make the Department the lead over the control of that plant.

Abandoned Watercraft Program Update

Ms. Peterson gave an update on the abandoned watercraft program. She noted the Vessel Turn In Program will sunset on January 1, 2014, unless there is further legislation to extend it.

COMMISSIONER ANNOUNCEMENTS

Election of Officers

MOTION: *It was moved by Commissioner Clark and seconded by Commissioner Lumian that Commissioner Webb presides as Chair for the remainder of 2012. The motion carried unanimously.*

MOTION: *It was moved by Commissioner Lumian and seconded by Commissioner Bañuelos that Commissioner Metz presides as Vice Chair for the remainder of 2012. The motion carried unanimously.*

2012 Meeting Schedule

After discussion the following meeting schedule was decided.

- May 22 and 23, 2012, in Sacramento.

- July 17 and 18, 2012, in Long Beach. August 21 and 22, 2012, if there is no budget.
- October 23 and 24, 2012, in the bay area.

Commissioner Lumian asked if it is possible to issue a letter to the Administration stating the position of the Boating and Waterways Commission on the merger of the Department.

Commissioner Metz said he was not aware of the Commission sending any letter in the past and is reluctant to enter into this area. Chairman Webb added that the Commission is concerned about the merger but since this item is not on the agenda there is nothing that can be done at this time.

ADJOURN

Vice Chair Webb adjourned the meeting at 12:19 P.M.

Original signed by:

Lucia C. Becerra, Acting Secretary